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SUBJECT: Khmer Rouge Tribunal: The Trial of S-21
Interrogation Center Head Kaing Guek Eav, Week 18

REF: PHNOM PENH 626 AND PREVIOUS

¶1. (SBU) SUMMARY: Embassy staff routinely observes the proceedings of the trial against the notorious Khmer Rouge (KR) torture center head, widely known as Duch, at the Extraordinary Chambers in the Courts of Cambodia (ECCC) (Reftel). This report summarizes the 18th week of activities inside the court at the Khmer Rouge Tribunal. More technical accounts of the proceedings can be found at: www.csd cambodia.org; www.kid cambodia.org and at <http://socrates.berkeley.edu/~warcrime/>. END SUMMARY.

KR's Psychological Legacy, Civil Party Lawyers' Role Cut Short

¶2. (SBU) The Court wrapped up civil party testimony in Week 18 and prepared to move to the next phase of the trial, in which witnesses will testify on the defendant's character. Cambodian psychologist Dr. Chhim Sotheara gave detailed testimony on the mental traumas experienced by KR victims. Lamenting the lack of psychiatric and counseling services in Cambodia, the expert witness noted that the atrocities committed by the KR regime have had ripple effects on younger generations. He noted that 40% of Cambodians over the age of 18 have experienced symptoms of post-traumatic stress disorder. The Court also heard procedural arguments from the Defense against civil party applications and appeals from the civil party attorneys to be able to question witnesses in the next phase of the trial. The judges ruled that civil parties would not be allowed to make submissions on the issue of sentencing, nor would they be allowed to question remaining witnesses regarding the character of the accused.

The rulings have effectively restricted the substantive roles of the civil parties until closing arguments.

¶3. (SBU) Herewith are observation notes for the week beginning August 24, 2009:

Monday, August 24:

The ECCC Public Outreach office continued to pack the audience, as witnesses testified in front of another full house, this time comprised mostly of attendees from Kampong Speu Province.

Final Civil Party Witnesses Testify

Civil party Chhum Noeu testified regarding the deaths of her husband and son and detailed her own suffering under the Khmer Rouge regime; she was a former Khmer Rouge cadre who had been imprisoned for two years at the rural S-24 prison camp. Duch acknowledged that Chhum Noeu's husband died at S-21 prison. The day's second witness, Ms. Chhim Navy, described how her husband was arrested in early 1976 and killed later that year in S-21. Chhim Navy asked the defendant why her husband was killed and demanded compensation for her lost time under the regime. Duch recognized Chhim Navy's husband as an S-21 detainee but did not answer her question regarding the reasons for his execution. The defendant also noted that civil party compensation was not his decision.

The day's proceedings ran smoothly. There were no interruptions, and the translation was well done.

Tuesday, August 25:

A large group of observers attended today's trial from Kampong Thom Province, although most of them had to leave before the trial ended.

There was a small group of staffers from the Trans-cultural Psychosocial Organization in attendance to observe their colleague Dr. Chhim Sotheara's testimony.

The Khmer Rouge Legacy on Cambodian Psyches

Chhim Sotheara, a specialist in trauma, stress, and depression-related disorders, testified that approximately 80%-90% of survivors of the Khmer Rouge Regime have never consulted with mental health professionals about their experiences, and as a result continue to suffer today. Dr. Chhim described how the Khmer Rouge's destruction of infrastructure, culture, religion, families, and individuals, as well as the climate of fear and suffering had taken a large toll on the Cambodian population. He noted that 40% of Cambodians over the age of 18 have experienced symptoms of post-traumatic stress disorder. Dr. Chhim said that the Tribunal helped Cambodians confront their past and called for the creation of local reconciliation commissions to aid in the healing of Cambodian society. The translators struggled at times with some of the technical medical vocabulary, and Court President Nil Nonn had to intervene to ensure the translation was accurate.

Wednesday, August 26:

PHNOM PENH 00000645 002.3 OF 002

Approximately 400 observers attended the trial. Over 100 were from Kampong Speu and Kampong Cham provinces.

Lawyers Clash over Quality of Evidence

No witnesses presented during the day's proceedings. Court President Nil Nonn announced at the start that the trial would only last a half-day because an emergency meeting had to take place in the afternoon. The defense lawyers and the civil party lawyers spent the morning arguing over use of documents and evidence in civil party claims. The defense attempted to challenge the civil party applications of 26 people, claiming that the case files contained insufficient proof of the parties' kinship to S-21 victims.

The proceedings generally ran well, although the electricity was cut off during the first half of the session. Nil Nonn also had to ask the civil party attorneys to slow their speech to allow the interpreters time for proper translation.

The audience remained quiet but interested in the proceedings. One observer from Kampong Chhnang said that he felt the judgment of each case had to be based on indirect proof provided by the civil parties, because little direct evidence remained from the Khmer Rouge time.

Thursday, August 27:

A mix of observers from Kampong Chhnang and Kampong Cham provinces attended the trial today. Most of the observers seemed to be below 30 years of age. Several said that their local authorities had informed them about the trial and that they were eager to attend.

There were no witnesses in the Court today. Instead, the judges addressed complaints filed by the defense and civil party lawyers the previous day. As the Court moves to its next phase, in which witnesses will comment on Duch's character, the civil party lawyers argued that they should be allowed to question the witnesses. After adjourning to consult, the judges ruled against the motion, barring the civil party lawyers from questioning the next round of

witnesses.

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